

District II Advisory Board Minutes

June 7, 2004

www.wichita.gov

The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library at 5939 E. 9th Street North. 17 people were in attendance. Only those people that signed in are listed as guests.

Members Present

Brian Carduff
Daryl Crotts
Sarah Devries
Ray Frederick
Larry Frutiger
Joe Johnson
David Mollhagen
Phil Ryan
Marty Weeks

Members Absent

Tim Goodpasture
Matt Hesse

Staff Present

Donte Martin, CMO
Jamsheed Mehta, MAPD
Daniel Nguyen, MAPD
Kurt Schroeder, OCI
Officer Shirkey, WPD

ORDER OF BUSINESS

Call to Order

The meeting was called to order at 7:00.

Approval of Minutes and Agenda

The agenda for June 7, 2004 was approved as submitted (8-0).
The minutes for May 3, 2004 were approved as submitted (8-0).

Public Agenda

1. Scheduled items

No items submitted

2. Off-agenda items

No items submitted

STAFF PRESENTATIONS

3. Community Police Report

Officer Shirkey, Patrol East, reported a rise in non-residential burglaries. She also reported a Neighborhood Oriented Traffic Enforcement (NOTE) project to reduce accidents along Rock and Webb Roads. Officer Shirkey discussed the JUDGE program in which undercover officers arrest minors attempting to purchase alcohol. Officers also work with volunteer minors to arrest liquor store employees that sell to minors.

CM Schlapp thanked Officer Shirkey for her efforts and encouraged her to continue the good work.

Action Taken: Received and filed

4. Offsite Billboard Regulation

Kurt Schroeder, OCI, reported several large off-site billboard signs have been legally permitted and erected in locations that have generated a significant number of citizen and neighborhood association complaints and concerns. These signs are near residential areas and surrounded by commercial and office development that is also controlled by zoning protective overlays such as Community Unit Plans and/or Planned Unit Developments (further restricting underlying zoning for both allowed uses and aesthetics). Permit approvals were granted based on compliance with all Sign and Zoning Code requirements controlling the placement and location of off-site billboard signs.

Due to the number of complaints received about the above-referenced billboard signs, the City Council passed a four-month “**MORATORIUM ON THE PROCESSING OF CERTAIN OFF-SITE SIGN PERMITS**” at its May 4, 2004 Council meeting. The 4-month moratorium allows time to conduct a study of billboard sign regulations, to obtain public comment on current or proposed billboard sign regulations, and to develop and adopt any appropriate Sign or Zoning Code amendments relating to off-site billboard signs.

There are approximately 300 existing off-site billboard signs located within Wichita. A significant number of these signs are 25-30+ years old. Many of these signs were on lots annexed into the City over the past 30 years, and were installed in the County when there were no County off-site sign regulations. Many existing billboard signs are therefore “legally non-conforming” to current City standards/regulations.

CM Schlapp asked the DAB for comments as to what should be done to address location and size.

Ray Frederick asked if the problem is with new signs or existing signs. **Schroeder** stated that there are issues with new and existing signs. These problems include location, size, and sign design.

Phil Ryan stated it may be difficult for residents of areas governed by covenants to accept billboard signs near otherwise architecturally controlled areas.

Frederick asked if there have been any recent changes to the ordinance governing billboards. **Schroeder** replied that City Council would consider changes to the ordinance after the DAB’s have had the opportunity to provide comment.

David Mollhagen explained “Cap and Replace” as an option. A cap would be placed on the total number of signs a company is allowed. The company can replace or move the sign but the total number stays the same.

Schroeder stated requiring applicants to utilize a conditional use permit to locate a sign is another option.

Daryl Crotts suggested reducing the maximum size of signs with exceptions through an application process.

Schroeder said the City receives applications for 6-8 new signs yearly so an application process could work.

CM Schlapp asked if there is a process in place to notify residents and generate discussion. **Schroeder** stated the conditional use process would allow opportunity for dialog.

Frederick asked for the perspective of sign companies. **Mollhagen** works for Clear Channel and stated his company is committed to the community and will work with the City to develop options. Clear Channel is concerned with potential loss of jobs in the industry.

CM Schlapp thanked Schroeder for his presentation and commented that it was the best presentation she’s seen at the DAB.

Action Taken: Provided comments.

5. Reintegration of Offenders

Margie Phelps, KDOC, and Kurt Schroeder, OCI, presented issues associated with the reintegration of offenders returning to Sedgwick County. Each year approximately 7,400 offenders are released from state prison and one-fourth of this total is released to Sedgwick County. Seventy-six percent of the offenders released to Sedgwick County committed crimes in Sedgwick or Butler County and the remainder committed crimes in other counties. A significant number of released offenders are classified as sex offenders (1,150 individuals and of those 275 are released to Sedgwick County) and are under the supervision of special sex offender units.

Recognizing that offender re-entry creates significant challenges for the Wichita/Sedgwick County community, it was determined that the City of Wichita would partner with Sedgwick County, the Kansas Department of Corrections and Wichita State University and convene an Assembly to discuss the many issues associated with returning offenders. In February 2002, Wichita State University hosted the Wichita Assembly on Community Reconnection – A New Beginning for Offenders.

The Assembly ended with (14) recommendations or strategies for the community and it’s community governments and agencies to address. One of the recommendations assigned to City and County governments included the appointment of an Offender Reentry Taskforce. In January 2003, the Wichita City Council and Sedgwick County Board of County Commissioners formed the Joint City/County Offender Reentry Taskforce. This taskforce comprised of government, business, neighborhood, faith-based and service agency representatives was asked to: 1) review the

recommendations generated at the Wichita Assembly; 2) identify how these recommendations could be implemented; 3) review the role of the Alternative Correctional Housing Board; and 4) provide a report with recommended actions to the City Council and County Commission on its findings.

The task force recommended developing a pilot project to address the challenges encountered by offender attempting to reintegrate into society. The task forces also recommended the ACHB continue its role until a time where the recently created Criminal Justice Coordinating Committee can handle this function.

Sarah Devries asked for cost estimates. **Phelps** stated it costs approximately \$700,000 yearly to serve 150 offenders.

Devries asked for the cost to house an offender in a correctional facility. **Phelps** stated \$20,000 yearly per offender.

Frederick expressed concern with the lack of budget information being provided and how that limits the DAB's ability to make informed recommendations.

Larry Frutiger stated reentry of offenders is a serious problem and we need to do something.

Crotts (Devries) moved to support the development of a pilot project. The motion passed 8-0.

Crotts (Mollhagen) moved to recommend the ACHB not be disbanded. The motion passed 8-0.

Action Taken: DAB II recommended City Council support the development of a pilot project and that the ACHB not be disbanded at this time.

PLANNING AGENDA

6. CUP 2003-00065; ZON 2003-00074 DP 273 Prairie Pond Plaza CUP

At the May 3, 2004 DAB II meeting **Donna Goltry**, MAPD, described a request to create DP-273 Prairie Pond CUP and zone change to "LC" Limited Commercial. The site is generally located on the northeast corner of Kellogg and 143rd Street East. Ms. Goltry explained that MAPD staff recommended approval subject to conditions.

Terry Smythe, agent for applicant, presented the CUP and answered questions. Smythe stated the zone change and CUP complies with the comprehensive plan and the more intense uses contained in the CUP are placed away from nearby residential areas.

Representatives of Park East, Springdale Lakes and Springdale East HOA expressed their concerns with the project and forwarded a list of requests should the zone change be approved. These requests included: 1) building an 8ft. masonry-screening wall; 2) not allowing car lots, billboards or drive thru restaurants; 3) no commercial development within a mile of residential areas; 4) reserve buffering along 143rd Street East; 5) one traffic entrance located near Kellogg; 6) shielded light structures limited to 20ft. in height; and 7) restricting development until 143rd Street East is improved.

Joe Johnson (Mollhagen) moved to defer the item pending the MAPC hearing and continued discussion between the applicant and area residents. The motion passed (8-0).

On Monday, June 7, 2004 **Phil Meyer**, agent for applicant, detailed discussions with the Park East HOA and the conditions agreed upon by the applicant. These conditions include constructing an 8 ft. wall, shielding lights, a 35 ft. maximum height on buildings; buffer landscaping 1½ times what's required, prohibiting car sales, and maintaining architectural compatibility with the surrounding area.

Larry Frutiger, DAB II member and President of the Park East HOA, stated the HOA has reached consensus and agrees to the conditions detailed by Phil Meyer.

CM Schlapp thanked the applicant and the HOA for their willingness to come together and reach an agreement that addresses the needs of both parties.

Ray Frederick (Ryan) moved to approve the item subject to conditions agreed upon by the applicant and Park East Homeowners Association. The motion passed 7-0. Frutiger abstained.

Action Taken: The DAB members voted 6-0 to approve the item subject to conditions agreed upon by the applicant and the Park East Homeowners Association.

7. Preserving the BNSF Railroad Corridor for a Greenway

Jamsheed Mehta, MAPD, reported the City of Wichita is considering the preservation of the Burlington Northern Santa Fe (BNSF) Railroad Corridor through East Wichita. This corridor has been recognized as a future greenway in the Wichita-Sedgwick County Parks and Open Space Master Plan. The corridor is also used to extend underground utilities and to manage the storm water surface drainage into creeks and canals in East Wichita.

The BNSF Railroad is in the process of abandoning the East Wichita Corridor from the Butler-Sedgwick County line to 13th and Washington in downtown Wichita. Of this 11-mile section, the City of Wichita is considering the preservation of nearly ten miles of the corridor as a future greenway. The conversion of the corridor from "rails to trails" is through a legal process under the National Trails System Act, in which the right-of-way is preserved, allowing interim trail use until such time as a future freight rail service might be activated.

To facilitate the Wichita City Council and the District Advisory Boards I and II, the Metropolitan Area Planning Department (MAPD) provided public information and input opportunities for Wichita residents and adjacent property owners. Official newspaper notices were published over a three-week period inviting residents to access information on the City's internet website, and to participate in a special meeting on April 19, 2004 to learn more about the alternatives to rail abandonment and to voice their position. Individual letters were also mailed to all owners of property adjacent to the rail corridor.

The April 19, 2004 meeting drew a crowd of 200 citizens, of which 35 individuals provided verbal testimony at the meeting. Residents were also encouraged to send their written comments to the MAPD by April 30, 2004. A total of 407 signatures were recorded from letters received by mail, e-mail, or hand-carried to the MAPD, and several letters represent groups of individuals.

Out of 442 individual comments received within the comment period, nearly 87 percent favored conversion of the railway corridor into a greenway with a pedestrian-bicycle trail. On the other hand, ten percent did not favor preserving the corridor, and three percent raised specific questions without taking any positions.

Most of the questions/ concerns are related to design and operational aspects of the trail. Examples include, privacy and security of adjacent properties, maintenance of drainage structures, weed and trash removal, parking for trail users, and vehicle delays at pedestrian crossings.

A greenway and trail design study will be initiated after the Wichita City Council accepts the rail-to-trail corridor from the BNSF Railway and the Surface Transportation Board. These questions and any additional neighborhood concerns will be covered when the consultant for the design study meets with adjacent property owners, residents, and neighborhood organizations, as part of the design input process.

Residents in attendance spoke in favor of the project creating a bike/pedestrian trail.

DAB II comments/questions included: 1) the need for cost projections; 2) alternatives to a bike route; 3) will adjacent property owners receive any remuneration; and 4) encouraged staff to utilize local consultants.

CM Schlapp stated the crux of her role, as a City Council member is to balance the viewpoints of those supporting the project and the adjacent property owners that may be opposed to the project. Schlapp expressed the following concerns: 1) the actual costs are unknown; 2) that staff is asking the DAB for a recommendation without providing all the necessary information; 3) property valuations may go up in some areas but there are exceptions; and 4) if the City doesn't railbank the corridor another entity may pursue railbanking and limit our control of the project.

Larry Frutiger (Frederick) moved to recommend staff proceed with railbanking the BNSF railroad corridor. The motion passed 8-0.

Action Taken: The DAB members voted 8-0 recommend staff proceed with railbanking the BNSF railroad corridor.

BOARD AGENDA

8. Updates, Issues, and Reports

No items were discussed.

The next regularly scheduled DAB II meeting will be July 12, 2004 at the Rockwell Branch Library.

With no further business the meeting adjourned at 8:45 p.m.

Guests

Charles Benjamin

Karen Cumberland

Steve Jacobs

Nancy Jewel

Cecile Kellenbarger

John Moore

Randall Morgan

Tom Neil